

INTRODUCTION AND ADMINISTRATION ELEMENT

I. INTRODUCTION

The City of West Palm Beach has prepared this Comprehensive Plan in conformance with the “Local Government Comprehensive Planning and Land Development Regulation Act,” Chapter 163, Florida Statutes, and Administrative Rule 9J-5, Florida Administrative Code. Rule 9J-5 establishes the minimum criteria for comprehensive plans and for determining whether the Plan is in compliance with the requirements of Chapter 163. It also requires this Plan to be consistent with both the Strategic Regional Policy Plan of the Treasure Coast Regional Planning Council and the State of Florida Comprehensive Plan. The Strategic Regional Policy Plan contains goals, objectives and policies for Palm Beach, Martin, St. Lucie and Indian River counties while the State Plan addresses the overall needs of Florida residents and establishes the framework for state agency plans.

A. Plan Elements

The Comprehensive Plan is comprised of thirteen (13) elements or chapters. The City is required by Rule 9J-5 to submit ten (10) of these elements:

Future Land Use

Transportation

Housing

Utilities (includes Water, Sewer, Stormwater Management, Solid Waste, Aquifer Recharge, and the 10 Year Water Supply Facilities Work Plan)

Coastal Management

Conservation

Recreation and Open Space

Intergovernmental Coordination

Public School Facilities

Capital Improvement

In order to develop a "comprehensive" plan, the City has included three (3) optional elements in the Comprehensive Plan:

Introduction and Administration

Historic Preservation

Downtown Master Plan

The Introduction and Administration Element provides the general framework for the Comprehensive Plan, identifies the process needed to amend it, and includes a definition section that defines key terms used throughout the Comprehensive Plan.

The Historic Preservation Element was adopted so that the City could provide for the identification and evaluation of local historic resources; to protect those resources against adverse impact; and to promote awareness among residents and government officials of the importance of preserving such resources.

The Downtown Master Plan Element provides a unified vision for the downtown area and establishes guidelines tailored to the unique circumstances of this area of the City.

Each Element in the Comprehensive Plan contains a series of goals, objectives and policies (GOPs) which serve as the framework for development and growth of the City.

In addition, data and analysis for each Element is housed in a separate Support Document for ease of maintenance and updating, and provides some of the background data for the Elements.

The Comprehensive Plan is intended to serve as a flexible document with changes made throughout the ensuing years. The Plan is intended to guide the general growth and development of the City by providing the framework for desirable future conditions and actions. The City's Zoning and Land Development Regulations are the primary implementation tool of the Comprehensive Plan, and serves to carry out the desired general policies of the Plan. Both documents are required to be consistent with each other. Amendments to the Plan can be made twice a year, with the exception of the special emergency or small-scale provisions outlined in Chapter 163, Florida Statutes. The plan amendment process is described below in this document.

The Goals, Objectives and Policies presented in the Plan Elements reflect the City's directive of utilizing the following smart growth principles to guide future growth in the City:

1. Provide a mixture of land uses in compact districts and/or neighborhoods that are designed to provide additional opportunities for walking and easier movement and interaction for pedestrians;
2. Provide a range of housing opportunities and choices so that the young and old, single persons and families, and those of varying economic ability may find places to live
3. Create and maintain a walkable environment
4. Build upon community assets
5. Foster distinctive, attractive communities with a strong sense of place
6. Preserve and enhance open and/or green space, vegetation, and important environmental areas
7. Promote infill development and redevelopment and compact development that strengthens existing communities and lessens land consumption by using land resources more efficiently.
8. Provide a variety of transportation choices by supporting walking, cycling, and transit as attractive alternatives to driving; providing alternative routes that disperse, rather than concentrate, traffic congestion; and lowering traffic speeds in neighborhoods;
9. Maintain a predictable and fair development review process so that developers are encouraged to apply the principles stated above.

10. Encourage and solicit public participation

B. Enforcement of Regulations

Procedures adopted by the City Commission shall be used to enforce and administer this Comprehensive Plan.

No Plan boundary or regulation change, no zoning boundary or regulation change, no modification of Commission requirements, special exception, variance, building permit, certification of occupancy and use, or other permit shall be granted by the Department, the Commission, or Board of Adjustment or other agency except in compliance with the provisions of the Plan.

Applications for zoning changes, special exceptions, or subdivision approvals which have been certified prior to Plan adoption shall not be considered inconsistent with the Comprehensive Plan, but are required to be consistent with any land development regulations developed or required pursuant to the adopted Plan.

Applications for zoning changes, special exceptions, or subdivision approvals, which have not been certified prior to Plan adoption shall be reviewed against the Plan, as adopted.

C. Applications For Amendment

The following conditions shall apply to applications for amending the City of West Palm Beach Comprehensive Plan:

1. The process for Amending the Comprehensive Plan shall be guided by the provisions of Florida Statutes Chapter 163, the Florida Administrative Code (FAC) rules implementing it, and in accordance with the provisions of the Comprehensive Plan.
2. Amendments to the text, tables, charts, and maps of the Comprehensive Plan shall be initiated only by the City or the Local Planning Agency (Planning Board).
3. Amendments to the Future Land Use Map (FLUM) shall be initiated only by the owner of the parcel(s) or the City.

In addition, the following standards shall be considered in the evaluation of proposed privately-initiated amendments to the Future Land Use Map:

A. Changed Projections - Changed projections (e.g., regarding public service needs) in the Comprehensive Plan, including but not limited to amendments that would ensure provision of public facilities;

B. Changed Assumptions - Changed assumptions (e.g., regarding demographic trends or land availability) in the Comprehensive Plan, including but not limited to the fact that growth in the

area, in terms of the development of vacant land, new development, and the availability of public services has altered the character such that the proposed amendment is now reasonable and consistent with the land use characteristics;

C. Data Errors and or Updates - Data errors, including errors in mapping and natural features in the Comprehensive Plan;

D. New Issues - New issues that have arisen since the adoption of the Comprehensive Plan; and

E. Additional Detail or Comprehensiveness - Recognition of a need for additional detail or comprehensiveness in the Comprehensive Plan.

II. Evaluation And Appraisal Report (EAR)

Pursuant to Section 163.3191, F.S., each local government shall adopt an evaluation and appraisal report (EAR) assessing the progress in implementing the local government's comprehensive plan. The purpose of evaluating the Comprehensive Plan is to assess the City's progress in implementing the comprehensive plan since the last EAR, which was completed in 1996 followed by EAR-based Comprehensive Plan amendments in 1999 and 2000. In addition, the report evaluates how successful the City has been in addressing identified major planning issues through implementation of its Comprehensive Plan. Based on this evaluation, the report suggests how the plan should be revised to better address community objectives, changing conditions and trends affecting the community, and changes in state requirements.

The City adopted its last EAR in March of 2007. The EAR was the first step in updating the Comprehensive Plan and was intended to accomplish several important purposes:

- Identify major issues which are specific concerns related to the current and future growth and development of the City;
- Review past actions of the City in implementing the plan since the last EAR;
- Assess the degree to which plan objectives have been achieved;
- Assess both successes and shortcomings of the plan;
- Identify ways the plan should be changed by responding to changing conditions and trends, the need for new data, and changes in state requirements and regional plans;
- Evaluate the plan with regard to new statutory requirements for public schools, a regional water supply plan, coastal high-hazard areas, transportation concurrency management, and financial feasibility of providing infrastructure to maintain adopted level of service standards; and
- Ensure effective intergovernmental coordination.

The City identified the following four (4) major planning issues for the EAR through a public participation process involving residents and interested parties, adjacent local governments, state and regional agencies, City Commissioners and staff:

- a. Address the need for attainable/workforce housing;
- b. Provide additional green space and linkages;
- c. Encourage economic development;
- d. Address the transportation system to meet the City's existing and future needs.

Following the Department of Community Affairs (DCA) finding that the EAR was sufficient on June 1, 2007, staff adopted amendments to the Comprehensive Plan based on the EAR.

The Comprehensive Plan should act as a living and practical document guiding development that enhances and protects the quality of life for the City residents. The analysis and subsequent recommendations put forth in the EAR were intended to reflect the City's desire to formalize City practices, implement policies, and amend its Comprehensive Plan to achieve this goal.

III. PUBLIC PARTICIPATION

The City encourages the citizens of West Palm Beach to make comments and provide input throughout the planning process, and uses its best efforts to make the public aware of planning meetings and workshops.

The City encourages the development of local neighborhood leadership to advance full communications and to determine the needs of the citizens of West Palm Beach. In addition, the City continues to involve neighborhood leaders in special meetings with other government agencies and/or consultants whose future actions may have significant impact or be of interest to a specific neighborhood.

The City of West Palm Beach shall continue to notify the general public of public hearings on the Comprehensive Plan, including amendments to the Comprehensive Plan and evaluation and appraisal reports and in all cases where an official action will affect the use of their property, such as Developments of Regional Impact, annexations, land use changes and/or rezonings. The public will be given notice through advertisement in the Palm Beach Post or equivalent newspaper of general circulation. Area property owners will also be contacted through regular mail where deemed appropriate and especially for small area planning projects. All newspaper advertisements will conform to Section 33-19 of the City Code, and to Florida Statutes regarding the required advertisement size, content, parties to be notified and mail-out dates for all public hearings including but not limited to the following: F.S. 171.044, F.S. 380.06, F.S. 163.3187, F.S. 166.041, and F.S. 163.3184. Notice of public hearings for annexations, land use and/or zoning changes will include a legible map indicating the geographic location of the relevant properties, as required by Florida Statutes and the City Code.

IV. DEFINITIONS

The following definitions are provided to clarify terms used throughout the City of West Palm Beach Comprehensive Plan.

“ADAPTIVE USES” means the process of converting a building to a use other than that for which it was originally designed.

“AFFORDABLE HOUSING” means housing for which monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 % of the amount for the gross annual income for the households or persons within the following income groups:

Extremely Low/Very Low/ Low =	0-80% of Area Median Income (AMI)
Moderate (Attainable) =	81-120% of AMI
Middle (Workforce) =	121-150% of AMI

“AGRICULTURAL USES” means activities within land areas which are predominantly used for the cultivation of crops and livestock including: cropland; pastureland; orchards; vineyards; nurseries; ornamental horticulture areas; groves; confined feeding operations; specialty farms; and silviculture areas.

“AIRPORT CLEAR ZONE” means a designated area of land which is subject to peak aircraft noise and on which there is the highest potential of danger from airport operations.

“AIRPORT FACILITY” means any area of land or water improved, maintained or operated by a governmental agency for the landing and takeoff of aircraft, or privately owned paved runways of 4,000 or more feet in length, and any appurtenant area which is used for airport buildings, or other airport facilities or rights-of-way.

“AIRPORT OBSTRUCTION” means any structure, object of natural growth, existing condition, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which otherwise increases the risk of danger to aircraft operations.

“AMENDMENT” means any action of a local government which has the effect of amending, adding to, deleting from or changing an adopted comprehensive plan element or map or map series, including an action affecting a prior plan or plan amendment adoption ordinance, but shall not mean a legislative act which only codifies local legislation or makes corrections, updates and modifications of the capital improvements element concerning costs, revenue sources, acceptance of facilities or facility construction dates consistent with the plan as provided in Subsection 163.3177(3)(b), F.S., and corrections, updates, or modifications of current costs in other elements, as provided in Subsection 163.3187(2), F.S. Throughout this chapter, references to a plan or

comprehensive plan shall also be deemed to refer to a plan amendment.

“ANCILLARY PLANT” means facilities to support the educational program, such as warehouses, vehicle maintenance, garages, and administrative buildings.

“ARCHAEOLOGICAL SITE” means a location that has yielded information on history or prehistory. An archaeological site contains physical remains of the past. An archaeological site may be found within archaeological, zones, historic sites and historic districts.

“AREAS SUBJECT TO COASTAL FLOODING” means the areas delineated by the regional or local Hurricane Evacuation Plan as requiring evacuation.

“ARTERIAL ROAD” means a roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. In addition, every United States numbered highway is an arterial road.

“ATTAINABLE HOUSING” means housing that is affordable to those households earning 81% to 120% of the Area Median Income (AMI).

“BEACH” means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. “BEACH”, as used in the coastal management element requirements, is limited to oceanic and estuarine shorelines.

“BICYCLE AND PEDESTRIAN WAYS” means any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

“BROWNFIELD” means real property; the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

“BUFFER” means the use of vegetation or open space for the purposes of limiting the effects of development on natural systems or the recreational value of natural features, or the effects of more intensive development on less intensive development.

“BUILDINGS” means those resources, such as houses, created principally to shelter any form of human activity.

“CAPITAL BUDGET” means the portion of each local government’s budget which reflects capital improvements scheduled for a fiscal year.

“CAPITAL IMPROVEMENT” means physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost.

The cost of a capital improvement may be recurring or nonrecurring and may require multi-year financing. For the purposes of this rule, physical assets, which have been identified as existing or projected needs in the individual comprehensive plan elements, shall be considered capital improvements.

“CENTRAL BUSINESS DISTRICT” means a compact urban core area of a municipality or unincorporated urbanized area which serves as the primary center for economic activity in the jurisdiction.

“CERTIFICATE OF APPROPRIATENESS” means a written authorization issued by the Historic Preservation Board to a property owner permitting a proposed alteration, relocation, demolition or new construction to a designated individual site or property in a historic district.

“CERTIFICATE TO DIG” means a certificate that gives the Board’s permission for certain digging projects that may involve the discovery of as yet unknown archaeological sites in an archaeological zone.

“CERTIFIED LOCAL GOVERNMENT PROGRAM” means a program enacted as part of the National Historic Preservation Act Amendments of 1980, that links three levels of government - federal, state and local - into a preservation partnership for the identification, evaluation and protection of historic properties.

“CITY OF WEST PALM BEACH REGISTER” means the official list of sites, buildings or districts that are significant in history, architecture, archeology, and culture that are governed by the West Palm Beach Historic Preservation Ordinance.

“CLUSTERING” means the grouping together of structures and infrastructure on a portion of a development site.

“COASTAL AREA” means the 35 coastal counties, and all coastal municipalities within their boundaries, designated by the state land planning agency. These local governments are listed in the document entitled “Local Governments Required to Include Coastal Management Elements in Their Comprehensive Plans,” dated July 1, 1986, and meet the criteria in Chapter 380.24, F.S., shall also be included in the coastal area.

“COASTAL BARRIERS” means barrier islands, spits, peninsulas, or similar landforms, including the Florida Keys which front on the Atlantic Ocean, Gulf of Mexico, or Straits of Florida and which separate estuaries or harbors from the open waters of the Atlantic Ocean, Gulf of Mexico, or Straits of Florida.

“COASTAL HIGH HAZARD AREA” (also “high-hazard coastal areas”) means the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges for Hurricanes (SLOSH) computerized storm surge model. [Section 163.3178(9)(c), F.S.]

“COASTAL PLANNING AREA” means that when preparing and implementing all requirements of the coastal management element except those requirements relating to hurricane evacuation, hazard mitigation, water quality, water quantity, estuarine pollution, or estuarine environmental quality, the coastal planning area shall be an area of the local government’s choosing; however, this area must encompass all of the following where they occur within the local government’s jurisdiction: water and submerged lands of oceanic water bodies or estuarine water bodies; shorelines adjacent to oceanic waters or estuaries; coastal barriers; living marine resources; marine wetlands; water-dependent facilities or water-related facilities on oceanic or estuarine waters; or public access facilities to oceanic beaches or estuarine shorelines; and all lands adjacent to such occurrences where development activities would impact the integrity or quality of the above. When preparing and implementing the hurricane evacuation or hazard mitigation requirements of the coastal management element, the coastal planning area shall be those portions of the local government’s jurisdiction which lie in the hurricane vulnerability zone. When preparing and implementing the requirements of the coastal management element concerning water quality, water quantity, estuarine pollution, the local government’s jurisdiction of oceanic waters or estuarine waters or estuarine environmental quality, the coastal planning area shall be all occurrences within the City’s jurisdiction of oceanic waters or estuarine waters.

“COASTAL OR SHORE PROTECTION STRUCTURES” means shorehardening structures, such as seawalls, bulkheads, revetments, rubblemound structures, groins, breakwaters, and aggregates of materials other than natural beach sand used for beach or shore protection and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces including beach and dune restoration.

“COLLECTOR ROAD” means a roadway providing service which is of relatively moderate traffic volume, moderate trip length, and moderate operating speed. Collector roads collect and distribute traffic between local roads or arterial roads.

“COMMERCIAL USES” means activities within land areas which are predominantly connected with the sale, rental and distribution of products, or performance of services.

“COMMUNITY PARK” means a park designed to serve the needs of one or more neighborhood.

“COMPATIBILITY” means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

“COMPATIBLE DESIGN” means creation of a new building or an addition to an existing building in a fixed surrounding without compromising design criteria or detracting from the quality of its surroundings.

“COMPLETE STREETS” means streets that are designed, built, and maintained in a manner that accommodates not only automobiles, but transit vehicles and non-motorized modes of travel such as pedestrians and bicyclists.

“COMPOSITION” means the make up of various land uses by types, extent, intensity, density, or otherwise, which are included in a development or land use category.

“COMPREHENSIVE PLAN” means a document that describes community visions for future growth. The City’s Comprehensive Plan describes goals, objectives, and policies for how the City will grow and the tools that are used to guide land use decisions and give general, long-range recommendations for the City’s growth. The Comprehensive Plan is divided in to different elements.

“CONCURRENCY” means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

“CONCURRENCY MANAGEMENT SYSTEM” means the procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

“CONE OF INFLUENCE” means an area around one or more major waterwells the boundary of which is determined by the government agency having specific statutory authority to make such a determination based on groundwater travel or drawdown depth.

“CONSERVATION USES” means activities or conditions within land areas designated for the purpose of conserving or protecting natural resources or environmental quality including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, commercially or recreationally valuable fish and shellfish, or protection of vegetative communities or wildlife habitats.

“CONTRIBUTING BUILDING” means a building in a historic district that contributes to the district’s historical significance through location, design, setting, materials, workmanship, feeling and association, and which shall be afforded the same consideration as historic buildings.

“CORE FACILITY” means those facilities which include the media center, cafeteria, toilet facilities, and circulation space of an educational plant.

“CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN” (CPTED) means a proactive multi-disciplinary approach to deterring criminal behavior through environmental design by utilizing design principles such as natural surveillance, natural

access, territorial reinforcement and maintenance of landscaping and lighting treatments.

“CURRENTLY AVAILABLE REVENUE SOURCES” means an existing source and amount of revenue presently available to the local government. It does not include a local government’s present intent to increase the future level or amount of a revenue source which is contingent on ratification by public referendum.

“DEEPWATER PORTS” means the ports identified in s. 403.021(9), F.S., including Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, and Pensacola.

“DEMOLITION” means the complete removal of an improvement or any part thereof.

“DENSITY” means an objective measurement of the number of people or residential units allowed per unit of land, such as residents, dwelling units, or employees per acre.

“DESIGN GUIDELINES” means criteria developed to identify design concerns in an area and to help property owners ensure that rehabilitation and new construction respect the character of designated buildings or districts.

“DEVELOPMENT” has the meaning described in s. 380.04, F.S.

“DEVELOPMENT CONTROLS” means standards in the Comprehensive Plan which control the development or use of land and which are in addition to the densities, intensities, and uses assigned to land by the future conditions maps.

“DISTRIBUTION” means the spatial array of land uses throughout an area.

“DISTRICT SCHOOLS” means all District owned regular, elementary, middle, high schools, magnet and special education facilities.

“DRAINAGE BASIN” or “STORMWATER BASIN” means the area defined by topographic boundaries which contributes stormwater to a watershed, drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

“DRAINAGE DETENTION STRUCTURE” means a structure which collects and temporarily stores stormwater for the purpose of treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

“DRAINAGE FACILITIES” means a system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

“DRAINAGE RETENTION STRUCTURE” means a structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

“EASEMENTS” means restrictions placed against the future development of a property.

“EDUCATIONAL USES” means activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities licensed by the Florida Department of Education, including the areas of buildings, campus open space, dormitories, recreational facilities or parking.

“EDUCATIONAL PLANT SURVEY” means a study of present educational and ancillary plants and the determination of future needs to provide an appropriate educational program and services for each student.

“ELEVATION” means a drawing showing vertical elements of a building, either exterior or interior.

“ENCLAVE” means a parcel of land that is surrounded on all sides by another parcel of land, subdivision or PUD; and where there is no connectivity or relationship between the parcels.

“ENDANGERED, THREATENED AND SPECIES OF SPECIAL CONCERN” (referred to as listed species) means plant and animal species listed as endangered, threatened, or of special concern by one or more of the following agencies:

1. U. S. Fish and Wildlife Service
2. Florida Game and Fresh Water Fish Commission
3. Florida Committee on Rare and Endangered Plants and Animals
4. Florida Department of Agriculture
5. Treasure Coast Regional Planning Council

“ENVIRONMENTALLY SENSITIVE LANDS” means areas of land or water which are determined necessary by the local government, based on locally determined criteria, to conserve or protect natural habitats and ecological systems. Nothing in this definition shall be construed to prohibit silvicultural operations which employ the Florida Department of Agriculture and Consumer Affairs Best Management Practices as revised in 1993.

“ESTUARY” means a semi-enclosed, naturally existing coastal body of water in which saltwater is naturally diluted by freshwater and which has a connection with oceanic waters including bays, embayments, lagoons, sounds and tidal streams.

“EVACUATION ROUTES” means routes designated by county civil defense authorities or the regional evacuation plan, for the movement of persons to safety, in the event of a hurricane.

“EVALUATION AND APPRAISAL REPORT” means an evaluation and appraisal report as adopted by the local governing body in accordance with the requirements of Section 163.3191, F.S.

“EXTENT” means the amount of development, including the area or size in acres.

“FACILITY AVAILABILITY” means whether or not a facility is available in a manner to satisfy the concurrency management system.

“FIRST FTE STUDENT COUNT” means a first semester count of all “full time equivalent” students. The date of the first FTE count is determined by the Florida Department of Education each school year, pursuant to Chapter 1011.62, Florida Statutes.

“FLOODPLAINS” means areas inundated during a 100-year flood event or identified by the National Flood Insurance Program as an A Zone or V Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

“FLOOD PRONE AREAS” means areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

“FLORIDA INVENTORY OF SCHOOL HOUSES (FISH)” means the report of permanent school capacity. The FISH capacity is the number of students that may be housed in a facility (school) at any given time based on using a percentage of the number of existing satisfactory student stations and a designated size for each program according to s. 235.15, F.S. In Palm Beach County, permanent capacity does not include the use of relocatable classrooms (portables).

“FLORIDA MASTER SITE FILE” means a paper archive and computer database of recorded historical cultural resources in Florida.

“FOSTER CARE FACILITY” means a facility which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents and serving either children or adult foster residents.

“FUNCTIONAL RELATIONSHIP” means a complementary and interactive relationship among land uses or development, including at minimum a substantial and positive exchange of human interaction, goods, resources, institutions, services, jobs or workers between land uses or developments.

“GOAL” means the long-term end toward which programs or activities are ultimately directed.

“GREEN BUILDING” means a building that yields environmental benefits, such as savings in energy, building materials, and water consumption, or reduced waste generation.

“GREENWAYS” means open space or natural areas that typically have a linear form. Common greenway characteristics: is green, is a way, is protected, is maintained.

1. Conservation greenways feature ecological systems with moderate alteration, medium environmental sensitivity and protection, low to medium public access, single or multiple recreational uses and low to medium facility development and trail maintenance.
2. Ecological greenways are greenways feature intact natural systems with high environmental sensitivity, are accorded a high degree of natural resource protection or restoration, low public access and minimal facility development and trail maintenance.
3. Recreational greenways feature altered ecosystems with low or no environmental sensitivity and protection, medium to high public access, multiple recreational uses and medium to high facility development and trail maintenance.

“GROUP HOME” means a facility which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care as may be necessary to meet the physical, emotional and social needs of the residents. Adult Congregate Living Facilities comparable in size to group homes are included in this definition. It shall not include rooming or boarding homes, clubs, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities, nursing homes, or emergency shelters.

“HAZARDOUS WASTE” means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

“HIGH RECHARGE AREA” or “PRIME RECHARGE AREA” means an area so designated by the appropriate water management district governing board. High recharge and prime recharge areas shall receive a level of protection commensurate with their significance to natural systems or their status as current or future sources of potable water.

“HISTORIC DISTRICT” means a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

“HISTORIC PRESERVATION BOARD” means a board of citizens created by local ordinance and charged with enforcing provisions of local laws governing historic districts and individual historic buildings, structures and sites.

“HISTORIC RESOURCES” means buildings, sites, structures, or areas that exemplify the historical, cultural, social, economic, political, aesthetic, architectural, or archeological history of the nation, state or City.

“HISTORIC SITES SURVEY” means the identification and documentation of buildings, sites and structures of any historical, cultural, archeological or architectural importance.

“HURRICANE SHELTER” means a structure designated by local officials as a place of safe refuge during a storm or hurricane.

“HURRICANE VULNERABILITY ZONE” (also “areas subject to coastal flooding”) means the areas delineated by the regional or local hurricane evacuation plan as requiring evacuation. The hurricane vulnerability zone shall include areas requiring evacuation in the event of a 100-year storm or Category 3 storm event.

“INDUSTRIAL USES” means the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products.

“INFILL OR INFILL DEVELOPMENT” means the development or redevelopment of vacant or abandoned parcels in otherwise built-up urban areas.

“INFRASTRUCTURE” means those man-made structures which serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads, seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

“INTENSITY” means an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

“INTERAGENCY HAZARD MITIGATION REPORT” means the recommendations of a team of federal, state, regional, or local officials which address measures to reduce the potential for future flood losses and which is prepared in response to a Presidential Disaster Declaration.

“LEVEL OF SERVICE” means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

“LIMITED ACCESS FACILITY” means a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

“LIVE/WORK” means buildings or spaces that are designed to be used jointly for commercial and residential purposes. (Ordinance 4034-07 adopted on 8/27/07).

“LIVING MARINE RESOURCES” means oceanic or estuarine plants or animals, such as mangroves, seagrasses, algae, coral reefs, and living marine habitat, fish, shellfish, crustacea and fisheries; and sea turtles and marine mammals.

“LOCAL PEACETIME EMERGENCY PLAN” means the plans prepared by the county civil defense or county emergency management agency addressing weather-related natural hazards and man-made disasters except nuclear power plant accidents and war. The plan covers hazard mitigation, emergency preparedness, emergency response, emergency recovery and in coastal counties, hurricane evacuation.

“LOCAL ROAD” means a roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

“LOW INCOME HOUSEHOLD” has the meaning provided in s. 420.0004, F.S. (1991).

“MAJOR TRIP GENERATORS OR ATTRACTORS” means concentrated areas of intense land use or activity that produces or attracts a significant number of local trip ends.

“MANUFACTURED HOME” means a residential manufactured home meeting the definition in s. 320.01, F.S. (1992 Supp.).

“MARINE HABITAT” means areas where living marine resources naturally occur, such as mangroves, seagrass beds, algae beds, salt marshes, transitional wetlands, marine wetlands, rocky shore communities, hard bottom communities, oyster bars of flats, mud flats, coral reefs, worm reefs, artificial reefs, offshore springs, nearshore mineral deposits, and offshore sand deposits.

“MARINE WETLANDS” means areas with a water regime determined primarily by tides and the dominant vegetation is salt tolerant plant species, including those species listed in Subsection 17-4.02(17), Florida Administrative Code, “Submerged Marine Species.”

“MASS TRANSIT” means passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus.

“MINERALS” means all solid minerals including clay, gravel, phosphate rock, lime, shells (excluding live shellfish), stone, sand, heavy minerals, and any rare earths, which are contained in the soils or waters of the state.

“MIXED USE” means a development that combines residential, commercial, retail, and/or office uses in a vertical fashion (in a single building).

“MOBILE HOME” means a structure meeting the definition in s. 320.01, F.S. (1992 Supp.).

“NATIONAL REGISTER OF HISTORIC PLACES” means the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture.

“NATURAL DRAINAGE FEATURES” means the naturally occurring features of an area which accommodate the flow of significant amounts of stormwater, such as streams, rivers, lakes, sloughs, floodplains and wetlands.

“NATURAL DRAINAGE FLOW” means the pattern of surface and stormwater drainage through or from a particular site before the construction or installation of improvements or prior to regrading.

“NATURAL GROUNDWATER AQUIFER RECHARGE AREAS” or “NATURAL GROUNDWATER RECHARGE AREAS” or “GROUNDWATER RECHARGE AREAS” means areas contributing to or providing volumes of water which make a contribution to the storage or regional flow of an aquifer.

“NATURAL RESERVATIONS” means areas designed for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or nonprofit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters. This definition does not include privately owned land managed by a state agency on either a voluntary or a short-term contractual basis.

“NON-CONTRIBUTING RESOURCE” means a building, site, structure or object that does not add to the historic significance of a property.

“NONPOINT SOURCE POLLUTION” means any source of water pollution that is not a point source.

“OBJECT” means a material thing of functional, aesthetic, cultural, historical or scientific value that may be by nature or design, movable, yet related to a specific setting or environment.

“OBJECTIVE” means a specific measurable, intermediate end that is achievable and marks progress toward a goal.

“OCEANIC WATERS” means waters of the Atlantic Ocean, Gulf of Mexico, or Straits of Florida, excluding estuaries.

“OPEN SPACES” means undeveloped lands suitable for passive recreation or conservation uses.

“PARATRANSIT” means transit services, including ridesharing, car or van pools, demand responsive buses, and other public transit services, which are characterized by their nonscheduled, non-fixed route nature.

“PARK” means a community, or regional park.

“PLAYGROUND” means a recreation area with play apparatus.

“POINT SOURCE POLLUTION” means any source of water pollution that constitutes a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

“POLICY” means the way in which programs and activities are conducted to achieve an identified goal.

“POLLUTION” is the presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

“PORT FACILITY” means harbor or shipping improvements used predominantly for commercial purposes including channels, turning basins, jetties, breakwaters, landings, wharves, docks, markets, structures, buildings, piers, storage facilities, plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and all other property or facilities necessary or useful in connection with commercial shipping.

“POTABLE WATER FACILITIES” means a system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

“POTABLE WATER WELLFIELD” means the site of one or more water wells which supply potable water for human consumption to a water system, which serves at least 15 service connections, used by year-round residents or regularly serves at least 25 year-round residents.

“PRESERVATION” means the identification, evaluation, recordation, documentation analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization maintenance or reconstruction of historic properties.

“PRIVATE RECREATION SITES” means sites owned by private, commercial or nonprofit entities available to the public for purposes of recreational use.

“PROPOSED EVALUATION AND APPRAISAL REPORT” means a draft evaluation and appraisal report prepared by the local planning agency that is transmitted to the local governing body for review and adoption.

“PUBLIC ACCESS” means the ability of the public to physically reach, enter or use recreation sites including beaches and shores.

“PUBLIC RECREATION SITES” means sites owned and leased on a long-term basis by a federal, state, regional or local government agency for purposes of recreational use.

“PUBLIC BUILDINGS AND GROUNDS” means structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.

“PUBLIC FACILITIES” means transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems or facilities and public health systems or facilities.

“PUBLIC FACILITIES AND SERVICES” which must be made available concurrent with the impacts of development means those covered by comprehensive plan elements required by Section 163.3177, Florida Statutes, and for which level of service standards must be adopted under Chapter 9J-5, Florida Administrative Code. The public facilities and services are: roads, Rule 9J-5.007(3)(c)1.; sanitary sewer, Rule 9J-5.011(2)(c)2.a.; solid waste, Rule 9J-5.011(2)(c)2.b.; stormwater, Rule 9J-5.011(2)(c)2.c.; potable water, Rule 9J-5.011(2)(c)2.d.; parks and recreation, Rule 9J-5.014(3)(c)4.; and mass transit, Rule 9J-5.008(3)(c)1., if applicable.

“PUBLIC SCHOOL CONCURRENCY” means the specific geographic area adopted by local governments, within a school district, in which a school concurrency is applied and determined when concurrency is applied on a less than district-wide basis.

“QUALITY OF LIFE” means those aspects of the economic, social, and physical environment that affect whether a community is considered a desirable place in which to live or do business.

“RECONSTRUCTION” means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

“RECREATION” means the pursuit of leisure time activities occurring in an indoor or outdoor setting.

“RECREATION FACILITY” means a component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.

“RECREATIONAL USES” means activities within areas where recreation occurs.

“REDEVELOPMENT” means the conversion of a building or project from an old use to a new one.

“REGIONAL PARK” means a park which is designed to serve two or more communities.

“REHABILITATION” means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

“RELOCATION HOUSING” means those dwellings which are made available to families displaced by public programs, provided that such dwellings are decent, safe and sanitary and within the financial means of the families or individuals displaced.

“RESIDENT POPULATION” means inhabitants counted in the same manner utilized by the United States Bureau of the Census, in the category of total population. Resident population does not include seasonal population.

“RESIDENTIAL USES” means activities within land areas used predominantly for housing.

“RESTORATION” means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

“RESTRICTIVE COVENANTS” means prohibitions against particular uses of property.

“REVOLVING FUNDS” means a monetary basis on which property can be bought, improved, maintained or sold; monies are subsequently returned and reused.

“RIGHT-OF-WAY” means land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.

“ROADWAY FUNCTIONAL CLASSIFICATION” means the assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

“RURAL AREAS” means low density areas characterized by social, economic and institutional activities which may be largely based on agricultural uses or the extraction of natural resources in unprocessed form, or areas containing large proportions of undeveloped, unimproved, or low density property.

“RURAL VILLAGE” or “RURAL ACTIVITY CENTER” means a small, compact node of development within a rural area containing development uses and activities which are supportive of and have a functional relationship, economic and institutional needs of the surrounding rural areas.

“SANITARY SEWER FACILITIES” means structures or systems designed for the collection, transmission, treatment, or disposal of sewage, and includes trunk mains, interceptors, treatment plants and disposal systems.

“SANITARY SEWER INTERCEPTOR” means a sewerage conduit which connects directly to, and transmits sewage to, a treatment plant.

“SANITARY SEWER TRUNK MAIN” means a sewerage conduit which connects directly to, and transmits sewage to, an interceptor.

“SEASONAL POPULATION” means part-time inhabitants who utilize, or may be expected to utilize, public facilities or services, but are not residents. Seasonal population shall include tourists, migrant farmworkers, and other short-term and long-term visitors.

“SERVICES” means the programs and employees determined necessary by local government to provide adequate operation and maintenance of public facilities and infrastructure as well as those educational, health care, social and other programs necessary to support the programs, public facilities, and infrastructure set out in the local plan or required by local, state, or federal law.

“SHORELINE” or “SHORE” means the interface of land and water and, as used in the coastal management element requirements, is limited to oceanic and estuarine interfaces.

“SITE” means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of an existing structure.

“SITE PLAN” means a plan of a construction site showing the position and dimensions of a building and the dimensions and contour of the lot.

“SMART GROWTH” means a set of planning principles that value long-range, regional considerations of sustainability over a short-term focus. Its goals are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health.

“SOLID WASTE” means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

“SOLID WASTE FACILITIES” means structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

“SOLID WASTE PROCESSING PLANT” means a facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

“SOLID WASTE TRANSFER STATION” means a facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

“STABILIZATION” means the protection of a building from deterioration.

“STORMWATER” means the flow of water which results from a rainfall event.

“STORMWATER FACILITIES” means manmade structures that are part of a stormwater management system designed to collect, convey, hold, divert, or discharge stormwater, and may include stormwater sewers, canals, detention facilities and retention facilities.

“STORMWATER MANAGEMENT SYSTEM” has the meaning described in Rule 17-40.210(21), F.A.C. (1992).

“SUFFICIENCY REVIEW” means Department review of an adopted evaluation and appraisal report to determine whether it has been submitted in a timely fashion and whether it contains the prescribed criteria in Section 163.3191, F.S., and this Rule.

“SUITABILITY” means the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.

“SUPPORT DOCUMENTS” means any surveys, studies, inventory maps, data, inventories, listings or analyses used as bases for or in developing the local comprehensive plan.

“SUSTAINABILITY OR SUSTAINABLE DEVELOPMENT” means development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

“TAX INCREMENT FINANCING” means community redevelopment programs used to finance improvements based on increased valuation.

“TRANSFER OF DEVELOPMENT RIGHTS” means a governmentally recognized right to use or develop land at a certain density, or intensity, or for a particular purpose, which is severed from the realty and placed on some other property.

“TRANSPORTATION DEMAND MANAGEMENT” means strategies and techniques that can be used to increase the efficiency of the transportation system. Demand management focuses on ways of influencing the amount and demand for transportation by encouraging alternatives to the single-occupant automobile and by altering local peak hour travel demand. These strategies and techniques may, among others, include: ridesharing programs, flexible work hours, telecommuting, shuttle services, and parking management.

“TRANSPORTATION DISADVANTAGED” means those individuals who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are, therefore dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities.

“TRANSPORTATION MANAGEMENT INITIATIVE (TMI)” means a program of the City of West Palm Beach which seeks to manage traffic congestion by encouraging commuters to consider alternative transportation modes.

“TRANSPORTATION SYSTEM MANAGEMENT” means improving roads, intersections, and other related facilities to make the existing transportation system operate more efficiently. Transportation system management techniques include demand management strategies, incident management strategies, and other actions that increase the operating efficiency of the existing system.

“URBAN AREA” means an area of or for development characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in a setting which typically includes residential and nonresidential development uses other than those which are characteristic of rural areas.

“URBAN SPRAWL” means urban development or uses which are located in predominantly rural areas, or rural areas interspersed with generally low-intensity or low-density urban uses, and which are characterized by one or more of the following conditions: (a) The premature or poorly planned conversion of rural land to other uses; (b) the creation of areas of urban development or uses which are not functionally related to land uses which predominate the adjacent area; or (c) the creation of areas of urban development or uses which fail to maximize the use of existing public facilities or the use of areas within which public services are currently provided. Urban sprawl is typically manifested in one or more of the following land use or development patterns: Leapfrog or scattered development; ribbon or strip commercial or other development; or large expanses of predominantly low-intensity, low-density, or single-use development.

“VEGETATIVE COMMUNITIES” means ecological communities, such as coastal strands, oak hammocks, and cypress swamps, which are classified based on the presence of certain soils, vegetation and animals.

“VERY LOW-INCOME FAMILY” means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

“VERY LOW INCOME HOUSEHOLD” has the meaning provided in s. 420.0004, F.S. (1991).

“WATER-DEPENDENT USES” means activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.

“WATER RECHARGE AREAS” means land or water areas through which groundwater is replenished.

“WATER-RELATED USES” means activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.

“WATER WELLS” means wells excavated, drilled, dug, or driven for the supply of industrial, agricultural or potable water for general public consumption.

“WELLHEAD PROTECTION AREA” means an area designated by local government to provide land use protection for the groundwater source for a potable water wellfield, as defined in this chapter, including the surface and subsurface areas surrounding the wellfield. Differing levels of protection may be established within the wellhead protection area commensurate with the capacity of the well and an evaluation of the risk to human health and the environment. Wellhead protection areas shall be delineated using professionally accepted methodologies based on the best available data and taking into account any zones of contribution described in existing data.

“WETLANDS” means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetland generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cyprus domes and strands, sloughs, wet prairies, riverine swamps and marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an under story dominated by saw palmetto. The delineation of actual wetland boundaries may be made by any professionally accepted methodology consistent with the type of wetlands being delineated but shall be consistent with any unified statewide methodology for the delineation of the extent of wetlands ratified by the Legislature.

“WORKFORCE HOUSING” means housing that is affordable to those households earning 121% to 150% of the Area Median Income (AMI).

“XERISCAPE PRACTICES” means a creative concept in landscaping design that substantially reduces irrigation demands and maintenance by proper plant selection.